

REMARKS

Claims 9-23 are pending in this application. Claim 9 is the only independent claim.

In the Office Action dated October 3, 2003, claims 9 and 13-23 were rejected under 35 U.S.C. 102(e) as being anticipated by Francischelli (US 2003/0073991). Additionally, claims 9 and 13-23 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,2,7 and 11 of the U.S. Patent No. 6517537 (Hooven et al.) in view of Francischelli (US 2003/0073991). Claims 10-12 were objected to as being dependent upon a rejected base claim.

It is respectfully submitted that independent claim 9 is not anticipated or obvious in view of Francischelli. In Francischelli, the device described contains a pair of magnets or a series of magnets situated along the jaws of the device. The magnets are arranged so that the attractive force between the magnets will cause the jaws of the device to be attracted to each other along the jaws length.

However, it is respectfully submitted that Francischelli does not teach the subject matter of claim 9. Claim 9 requires, inter alia, a device in which "at least one of the jaws being biased so as to urge the jaws toward the clamped position with a force that increases as the separation of the jaws increases." In Francischelli, the jaws of the device are urged to the clamped position under the force of magnetic attraction. It should be readily apparent that as the jaws separate, the force of the

magnetic attraction decreases. As a result of this decrease in magnetic force, the force urging the jaws toward the clamped position will decrease as the separation of the jaws increase, in contrast with the present claims, Francischelli does not teach a device where at least one of the jaws is biased so as to urge the jaws toward the clamped position with a force that increases as the separation of the jaws increases.

The dependent claims 13-23, which depend directly or indirectly from claim 9, contain all the features of claim 9 and should be allowed for the reasons set forth above.

Claims 9 and 13-23 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,2,7 and 11 of U.S. Patent 6,517,536 in view of Francischelli. However, it is respectfully submitted that the pending claims are not obvious in view of the claims in U.S. Patent 6,517,536 in further view of Francischelli. For the reasons set forth above, Francischelli does not describe or suggest a device where the jaws are urged to a clamped position with a force that increases as the separation of the jaws increase.

Claims 10-12 were objected to as being dependent upon a rejected base claim. It is respectfully requested that this objection be withdrawn for the reasons set forth above.

It is respectfully submitted that the subject matter of the claims is not described or suggested by the references cited in the Office Action and, accordingly, the withdrawal of the

rejections and reconsideration of the claims are requested.

Respectfully submitted,

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